

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:)	
)	Chapter 11
PES HOLDINGS, LLC, <i>et al.</i> , ¹)	
)	Case No. 19-11626 (LSS)
Debtors.)	
)	(Jointly Administered)
)	
PES HOLDINGS, LLC, <i>et al.</i> ,)	
)	Adversary Proceeding
Plaintiffs,)	
)	Case No. 20-50454 (MFW)
-and-)	
)	
ICBC STANDARD BANK PLC,)	
)	
Intervenor-Plaintiff,)	
)	
v.)	
)	
ALLIANZ GLOBAL RISKS US INSURANCE)	
CO., <i>et al.</i> ,)	
)	
Defendants.)	

**NOTICE OF AGENDA FOR HEARING SCHEDULED ON JANUARY 6, 2022 AT
10:30 A.M. (PREVAILING EASTERN TIME), BEFORE THE HONORABLE MARY
F. WALRATH AT THE UNITED STATES BANKRUPTCY COURT FOR THE
DISTRICT OF DELAWARE, LOCATED AT 824 NORTH MARKET STREET,
5TH FLOOR, COURTROOM NO. 4, WILMINGTON, DELAWARE 19801²**

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: PES Holdings, LLC (8157); North Yard GP, LLC (5458); North Yard Logistics, L.P. (5952); PES Administrative Services, LLC (3022); PES Energy Inc. (0661); PES Intermediate, LLC (0074); PES Ultimate Holdings, LLC (6061); and Philadelphia Energy Solutions Refining and Marketing LLC (9574).

² This agenda contains hyperlinks to filed documents pursuant to the Court's Interim Order re: Cessation of Hand Deliveries, dated March 13, 2020. Parties may access the filed documents through the hyperlinks for a fee through the Court's website at www.deb.uscourts.gov, referencing Case No. 19-11626 (LSS), or the documents may be obtained for free by accessing the Debtors' restructuring website at <https://www.omnimgt.com/PESHoldings2019>.

This remote hearing will be conducted entirely over Zoom and requires all participants to register in advance. Please register by January 5 at 8:30 a.m. COURTCALL WILL NOT BE USED FOR THIS HEARING.

Please use the following link to register for this hearing:

<https://debuscourts.zoomgov.com/meeting/register/vJisc-mrqD8pH7Wys20gi8c-2ZJ9lQFyQDE>

After registering your appearance by Zoom, you will receive a confirmation email containing information about joining the hearing.

FINAL PRETRIAL CONFERENCE:

1. Complaint [Filed: 2/12/20] (Adv. Pro. 20-50454, [Docket No. 1](#)).

Response Deadline: March 13, 2020, at 4:00 p.m. (*extended until March 27, 2020*)

Responses Received:

- a. Answer [Filed: 3/27/21] (Adv. Pro. 20-50454, [Docket No. 20](#)).
- b. Answer to ICBCS's Intervenor Complaint [Filed: 5/6/20] (Adv. Pro. 20-50454, [Docket No. 54](#)).

Related Documents:

- a. Summons and Notice of Pre-Trial Conference in an Adversary Proceeding [Filed: 2/12/21] (Adv. Pro. 20-50454, [Docket No. 2](#)).
- b. Intervenor-Complaint [Filed: 4/6/20] (Adv. Pro. 20-50454, [Docket No. 31](#)).
- c. [Signed] Fourth Amended Scheduling Order [Filed: 8/9/21] (Adv. Pro. 20-50454, [Docket No. 196](#)).
- d. Joint Pretrial Memorandum Pursuant to Local Rule 716-2(d) [Filed: 12/22/21] (Adv. Pro. No. 20-50454, [Docket No. 294](#)).
- e. Notice of Corrected Appendix 3 to Joint Pretrial Memorandum Pursuant to Local Rule 716-2(d) [Filed: 12/27/21] (Adv. Pro. No. 20-50454, [Docket No. 297](#)).

Status: A final pretrial conference will go forward on this matter.

ORAL ARGUMENT:

2. Plaintiffs' Motion to Exclude the Expert Report and Testimony of Jonathan Held [Filed: 11/12/21] (Adv. Pro. 20-50454, [Docket No. 230](#)).

Response Deadline: December 17, 2021, at 4:00 p.m.

Responses Received:

- a. Memorandum of Law In Opposition To Plaintiffs' Motion to Exclude The Report and Testimony of Jonathan Held [Filed: 12/10/21] (Adv. Pro. 20-50454, [Docket No. 274](#)).

Replies Received:

- a. Reply Memorandum of Law in Further Support of Plaintiffs' Motion to Exclude the Report and Testimony of Jonathon Held [Filed: 12/20/21] (Adv. Pro. 20-50454, [Docket No. 285](#)).

Related Documents:

- a. Memorandum of Law in Support of Plaintiffs' Motion to Exclude the Expert Report and Testimony of Jonathan Held [Filed: 11/12/21] (Adv. Pro. 20-50454, [Docket No. 231](#)).
- b. Declaration of Nicholas R. Maxwell in Support of Plaintiffs' Motion to Exclude the Expert Report and Testimony of Jonathan Held [Filed: 11/12/21] (Adv. Pro. 20-50454, [Docket No. 232](#)).

Status: The Court will hear short oral argument on the motion.

3. Defendant Insurers' Motion to Strike Portions of Thomas Brindley's Reports and to Preclude His Testimony on Certain Topics [Filed: 11/12/21] (Adv. Pro. 20-50454, [Docket No. 234](#)).

Response Deadline: December 17, 2021, at 4:00 p.m.

Responses Received:

- a. Memorandum of Law in Opposition to Defendants' Motion to Strike Portions of Thomas Brindley's Reports and to Preclude His Testimony on Certain Topics Filed: 12/10/21] (Adv. Pro. 20-50454, [Docket No. 275](#)).

Replies Received:

- a. Reply Memorandum of Law in Support of Motion to Strike Portions of Thomas Brindley's Reports And To Preclude His Testimony on Certain Topics [Filed: 12/20/21] (Adv. Pro. 20-50454, [Docket No. 286](#)).

Related Documents:

- a. Memorandum of Law in Support of Defendant Insurers' Motion to Strike Portions of Thomas Brindley's Reports and to Preclude His Testimony on Certain Topics [Filed: 12/6/21] (Adv. Pro. 20-50454, [Docket No. 235](#)).
- b. Declaration of Nicholas R. Maxwell in Opposition to Defendant Insurers' Motion to Strike Portions of Thomas Brindley's Reports and to Preclude His Testimony on Certain Topics [Filed: 12/10/21] (Adv. Pro. 20-50454, [Docket No. 276](#)).

Status: The Court will hear short oral argument on the motion.

4. Defendant Insurers' Motion to Strike Expert Report of Olie R. Jolstad and Reply By Olie R. Jolstad to the July 8, 2021 Expert Rebuttal Report of Dale S. Frediani, Sr. and to the July 8, 2021 Expert Report of Jonathon C. Held and to Preclude His Testimony [Filed: 11/12/21] (Adv. Pro. 20-50454, [Docket No. 239](#)).

Response Deadline: December 17, 2021, at 4:00 p.m.

Responses Received:

- a. Memorandum of Law in Opposition to Defendant Insurers' Motion to Strike Expert Report of Olie R. Jolstad and Reply By Olie R. Jolstad to the July 8, 2021 Expert Rebuttal Report of Dale S. Frediani, Sr. and to the July 8, 2021 Expert Report of Jonathan C. Held and to Preclude His Testimony [Filed: 12/10/21] (Adv. Pro. 20-50454, [Docket No. 277](#)).

Replies Received:

- a. Reply Memorandum of Law in Support of Motion to Strike Expert Report of Olie R. Jolstad and Reply by Olie R. Jolstad to the July 8, 2021 Expert Rebuttal Report of Dale S. Frediani, Sr. and to the July 8, 2021 Expert Report of Jonathon C. Held and to Preclude His Testimony [Filed: 12/20/21] (Adv. Pro. 20-50454, [Docket No. 287](#)).

Related Documents:

- a. Memorandum of Law In Support of Motion to Strike Expert Report of Olie R. Jolstad and Reply by Olie R. Jolstad to the July 8, 2021 Expert Rebuttal Report of Dale S. Frediani, Sr. and to the July 8, 2021 Expert Report of Jonathon C. Held and to Preclude His Testimony [Filed: 11/12/21] (Adv. Pro. 20-50454, [Docket No. 240](#)).

Status: The Court will hear short oral argument on the motion.

5. Defendant Insurers' Omnibus Non-Expert Motion in Limine [Filed: 12/3/21] (Adv. Pro. 20-50454, [Docket No. 259](#)).

Response Deadline: December 17, 2021, at 4:00 p.m.

Responses Received:

- a. [Sealed] Plaintiff's Opposition to Defendant Insurers' Omnibus Non-Expert Motion in Limine [Filed: 12/17/21] (Adv. Pro. 20-50454, Docket No. 283).
- b. [Sealed] Declaration of Chelsea L. Ireland in Opposition to Plaintiffs' Opposition to Insurers' Omnibus Non-Expert Motion in Limine [Filed: 12/17/21] (Adv. Pro. 20-50454, Docket No. 284).

Related Documents: None.

Status: The Court will hear short oral argument on the motion.

Dated: January 4, 2022

/s/ Peter J. Keane

Laura Davis Jones (DE Bar No. 2436)

James E. O'Neill (DE Bar No. 4042)

Peter J. Keane (DE Bar No. 5503)

PACHULSKI STANG ZIEHL & JONES LLP

919 North Market Street, 17th Floor

P.O. Box 8705

Wilmington, Delaware 19899-8705 (Courier 19801)

Telephone: (302) 652-4100

Facsimile: (302) 652-4400

Email: ljones@pszjlaw.com

joneill@pszjlaw.com

pkeane@pszjlaw.com

- and -

Edward O. Sassower, P.C.

Steven N. Serajeddini (admitted *pro hac vice*)

Matthew C. Fagen (admitted *pro hac vice*)

KIRKLAND & ELLIS LLP

KIRKLAND & ELLIS INTERNATIONAL LLP

601 Lexington Avenue

New York, New York 10022

Telephone: (212) 446-4800

Facsimile: (212) 446-4900

Email: edward.sassower@kirkland.com

steven.serajeddini@kirkland.com

matthew.fagen@kirkland.com

Andrew A. Kassof, P.C. (admitted *pro hac vice*)

Nader R. Boulos, P.C. (admitted *pro hac vice*)

Michael B. Slade (admitted *pro hac vice*)

William T. Pruitt (admitted *pro hac vice*)

Whitney L. Becker (admitted *pro hac vice*)

KIRKLAND & ELLIS LLP

KIRKLAND & ELLIS INTERNATIONAL LLP

300 N. LaSalle

Chicago, Illinois 60654

Telephone: (312) 862-2000

Facsimile: (312) 862-2200

Email: andrew.kassof@kirkland.com

nader.boulos@kirkland.com

michael.slade@kirkland.com

william.pruitt@kirkland.com

whitney.becker@kirkland.com

Kenneth H. Frenchman (admitted *pro hac vice*)

Robin L. Cohen (admitted *pro hac vice*)

Marc T. Ladd (admitted *pro hac vice*)

Alexander M. Sugzda (admitted *pro hac vice*)

Nicholas R. Maxwell (admitted *pro hac vice*)

Chelsea L. Ireland (admitted *pro hac vice*)

COHEN ZIFFER FRENCHMAN & MCKENNA LLP

1350 Avenue of the Americas, 25th Floor

New York, New York 10019

Phone: (212) 584-1890

Email: kfrenchman@cohenziffer.com

rcohen@cohenziffer.com

mladd@cohenziffer.com

asugzda@cohenziffer.com

nmaxwell@cohenziffer.com

cireland@cohenziffer.com

Counsel for Plaintiffs PES Energy, Inc., PES Holdings LLC, PES Administrative Services, LLC, PES Intermediate, LLC, PES Ultimate Holdings, LLC, and Philadelphia Energy Solutions Refining and Marketing LLC